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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,257	02/18/2004	Neil G. Cousins	COU09 P-303	3149

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EXAMINER
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HARMON, CHRISTOPHER R

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/781,257

Applicant(s)

COUSINS ET AL.

Examiner

Christopher R. Harmon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 27-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-35 is/are allowed.
- 6) ☒ Claim(s) 36-38, 40 and 41 is/are rejected.
- 7) ☒ Claim(s) 39 and 42 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. <u>5/10/06</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____.   |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 36 is rejected under 35 U.S.C. 102(b) as being anticipated by Donnelly et al. (US 5,491,956).

Donnelly discloses a film stretching and dispensing apparatus comprising a support structure 15; film support 43 for supporting roll of film 41; first and second stretch rollers (42c and 42d) and film guide member 46 each defining an axis and together a curvilinear path; see figure 3. Donnelly also discloses guide assembly connected to the opposite side of support structure 15 supporting elongated flexible member/chain 55 (a portion around the gearing is substantially similar to curvilinear path); single motor 48a with a rotating output member (shaft of motor 48a); drive assembly coupling rotating output member 48 with first 42c and second 42d rollers including chain 53; drive member (part of clutch 42 engaging and moving with elongated flexible member/chain 55; disengagable coupling/clutch 42 with a drive member selectively connect and disconnect the drive member from the rotatable output member (shaft of motor 48a) allowing for "freewheeling"; see column 10, lines 48-56. Thus the rotating output member of the motor 48a rotates in both engaging and disengaging positions; see figure 5.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donnelly et al. (US 5,491,956) in view of Smith (US 2,952,371).

Regarding claims 37-38, Donnelly et al. disclose two separate elongated flexible members 53 and 55 that operate around rotatable sprockets each on first, second, and third separate axes respectively but not three separate rotatable members/sprockets engaging a single elongated member/chain. Smith however discloses a clutch gearing system in a chain transport device including elongated member/chain 152 engaging sprockets 120, 154, and 138; see figure 1. It would have been obvious to one of ordinary skill in the art to incorporate the teachings of Smith in the invention to Donnelly et al. in order to reduce the number of working parts for assembly and maintenance.

5. Claims 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donnelly et al. (US 5,491,956) in view of Lancaster et al. (US 4,712,686).

Donnelly et al. disclose a first and second stretch rollers with gears mounted thereon connected by second elongated belt 53; the gears do not meshingly engage one another, however in a similar invention to Lancaster et al. in a pre-stretching device with a clutch mechanism operated with a single motor 40; the stretch rollers 34 and 36

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are connected by a drive assembly comprising rotatable gears 238, 138, and 38. Meshingly engaged gears 138, and 38 are mounted on shafts of rollers 36 and 34, respectively; see figure 10. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the engaging gears of the drive assembly of Lancaster et al. in the invention to Donnelly et al. in order to effect rotation (at a different speed) of the second stretch roller.

***Allowable Subject Matter***

6. Claims 27-35 are allowed.
7. Claims 39 and 42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

8. Applicant's arguments filed 2/28/06 have been fully considered but they are not persuasive. The drawing objection has been withdrawn. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that the first and second stretch rollers are rotated without moving the drive member) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Pulling the stretch wrap through the device by advancing of a rotating pallet would inherently cause rotation of first and second stretch

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rollers via frictional contact. When the invention to Donnelly et al. is in the disengaged position (ie. drive member freewheeling) the rotating output member and stretch rollers function independently, therefore would rotate together upon sufficient tension applied to the wrap. The examiner notes that a call was placed in order to include an amendment to claim 36 to differentiate over Donnelly et al. however did not receive a response; see interview summary attached.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

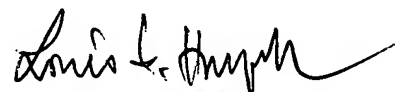
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Harmon whose telephone number is (571) 272-4461. The examiner can normally be reached on Monday-Friday from 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**LOUIS K. HUYNH**  
**PRIMARY EXAMINER**